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FILED

NOV X 1 2011

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-11-70143 MAG (JCS)
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE AND
v.)	EXCLUSION UNDER THE SPEEDY
)	TRIAL ACT AND RULE 5.1
GEORGE CIEPIELA,)	
)	
Defendant.)	

The parties jointly request that, subject to the Court's approval, the preliminary hearing/arraignment presently set for November 2, 2011 be continued to November 18, 2011 at 9:30 am.

Defendant George Ciepiela is charged in a criminal complaint with possession of child pornography. Mr. Ciepiela resides in Washington state and must fly to the Northern District of California for each court appearance. The parties are in negotiations on a pre-indictment resolution of the case. Additionally, defense counsel requires additional time to effectively prepare the defendant's case, including investigation and legal research of matters critical to the case. Accordingly, the parties jointly request that the preliminary hearing or arraignment be continued from November 2, 2011 to November 18, 2011.

For the above reasons, the parties stipulate there is good cause – taking into account the public interest in the prompt disposition of this case – to extend the time limit under Federal Rule of Criminal Procedure 5.1 for the preliminary hearing or arraignment from November 2, 2011 to November 18, 2011. The parties further agree that the time from November 2, 2011 to November 18, 2011 should be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(b), and that failing to exclude that time would unreasonably deny the defendant and his counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further agree that the ends of justice would be served by excluding the time from November 2, 2011 to November 18, 2011 from computation under the Speedy Trial Act and that the need for the exclusion outweighs the best interests of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

November 1, 2011
DATED

_____/s_____
OWEN MARTIKAN
Assistant United States Attorney

November 1, 2011
DATED

_____/s_____
JODI LINKER
Assistant Federal Public Defender

IT IS SO ORDERED.

11/1/11
DATED

